THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.16772 of 2006

Dated: 21-08-2006

Between:

Allam Ramaiah and another.

..... PETITIONERS

AND

The District Collector, Nellore District, and two others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION NO.16772 of 2006

ORDER:

The two petitioners were allegedly assigned lands in survey Nos.305-8, 304-1 and 304-3 situated at Uppalapadu Village by the Tahsildar of Atmakur Mandal in 1978. They are allegedly cultivating the land by drawing water from Somasila Project. The Mandal Revenue Officer (MRO), Ananthasagaram, initiated action under the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (the Act, for brevity) for resumption of the land on the allegation that the petitioners contravened the provisions of the Act. By proceedings dated 29-09-2004, MRO ordered resumption of the land. Aggrieved by the same, they preferred an appeal before the Revenue Divisional Officer (RDO), who by proceedings dated 29-07-2005 remanded the matter to MRO. Against the same the petitioners approached the Joint Collector, in vain. The Joint Collector affirmed the orders of RDO remanding the case to MRO. It is now the grievance of the petitioner that even though RDO remanded the matter in July, 2005, MRO did not initiate fresh enquiry after giving notice to the petitioners as directed by RDO. Therefore, they filed the instant writ petition seeking appropriate orders.

Heard the learned counsel for the petitioners and the learned Assistant Government Pleader for Revenue (General).

While remanding the matter, RDO directed MRO to give opportunity to the petitioners before passing orders. Therefore, MRO ought to have passed orders expeditiously. If MRO has not already passed orders, at least now he may give opportunity to the petitioners and pass orders under Section 4 of the Act. This exercise may be completed within a period of six weeks from the date of receipt of a copy of this order. The petitioners are also given opportunity to approach MRO with a copy of this order.

The writ petition is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

21st August, 2006

ghn